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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

GREGG WAGNER, ET AL.

Art Unit: 3637

Serial No.: 09/113,446

Examiner: Gerald A. Anderson

Filed: 07/10/1998

For: HOUSING FOR PORTABLE HANDHELD
ELECTRONIC DEVICE

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Mail Stop: Non-Fee Amendment

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Dear Sir:

This is in response to the outstanding Office Action mailed April 2, 2003. Applicant respectfully requests reconsideration based on the following remarks.

Claims 6-11 remain in the application. Claims 6-8 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt et al in view of Shepard et al and Pitel. There are no stated grounds for rejecting claims 9 and 10 and, accordingly, Applicant understands that these claims recite patentable subject matter and would be allowed if re-written in independent form including all of the limitations of the base claim and any intervening claims.

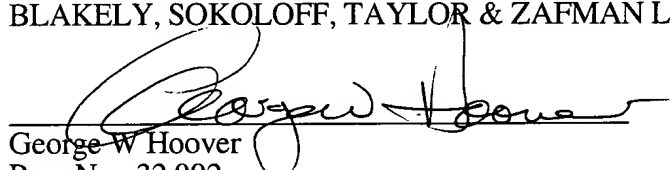
The Examiner's reliance on Shepard is misplaced. The Examiner acknowledges that Schmidt fails to show a one-piece, hollow body portion, but argues that Shepard teaches a body portion 14 that is molded as one piece from plastic material. This is not what Shepard teaches. Shepard states that the housing is preferably injection molded, but nowhere does the patent state that body portion 14 is molded as a single undivided piece. Indeed, if this were the case, there

would be no way to install the various internal components as shown in Figures 3 and 4. The mere fact that Shepard does not explicitly show parting lines in the body portion does not allow one to infer that the body portion is molded as a single piece, especially when this would render the body portion unusable for its intended purpose. Thus, Shepard does not teach a one-piece, hollow body portion as recited in the rejected claims any more than does Schmidt. For the same reasons that the Board of Patent Appeals and Interferences declined to sustain the previous final rejection of the claims, the rejection of claims 6-8 and 11 under 35 U.S.C. § 103(a) should be withdrawn.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: June 25, 2003


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 June 25, 2003
Kelly Walsh Date

3637

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PTO/SB/21 (6/98)

Approved for use through 09/30/00 OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

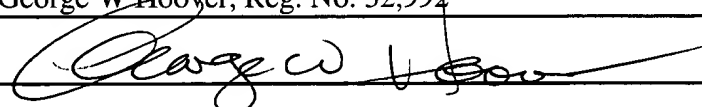
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TRANSMITTAL FORM (To be used for all correspondence after initial filing)	Application Number	09/113,446	
	Filing Date	07/10/1998	
	First Named Inventor	GREGG WAGNER	
	Group Art Unit	3637	
	Examiner Name	GERALD A. ANDERSON	
TOTAL NUMBER OF PAGES IN THIS SUBMISSION	4	Attorney Docket Number	003470.P005

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) & Accompanying Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication Group <input type="checkbox"/> Appeal Communication to Board of Appeals & Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) Request for Reconsideration (2 p.) Postcard
Remarks In the event that an extension of time is required to prevent this application from being abandoned, such extension is hereby requested and authorization is hereby given to charge the appropriate fee to Deposit Account No. 02-2666.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

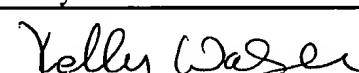
Firm or Individual Name	BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP George W Hooyer, Reg. No. 32,992
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Typed or Printed Name	Kelly Walsh		
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